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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,493	04/18/2001	Jan Holler	45687-00055	7908

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EXAMINER

NANO, SARGON N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,493

Applicant(s)

HOLLER ET AL.

Examiner

Sargon N Nano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on April 18, 2001. Claims 1- 23 are pending examination.

Claim Objections

2. Claims 3, 6, 8, 9, 10, 11, 16 and 18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 12, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant refers to the phrase "any potential user" in the above mentioned claims but failed to explain who the potential user is.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuller et al. U.S Patent No 6,711,622.

As to claim 1, Fuller teaches a method for controlling processing of streaming media used in interpersonal communication services, sent from a second end system over an IP network, via a gateway system, over the IP network to a first end system, by means of the gateway system providing a service of streaming media processing said service being independent of the end user application control, the gateway system comprising a gateway controller having a Uniform Resource Identifier (URI) which is known to any potential service user, such that the gateway system is available for external control by any potential service user, through the gateway controller, the method comprising the steps of:

the second end system addressing the gateway controller in a first path, for the purpose of controlling the service by configuration and activation, by means of the known URI; (see col. 8 lines 43 – 55; fig.1 and fig.2, Fuller teaches the mechanism to access the resource).

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processing the streaming media in a second path that is separate from the first path, in such a way that the data is processed and forwarded to the first end system continuously without having received the complete media stream before starting the processing. (see col.6 lines 1- 38, Fuller teaches the process and forward the broadcast of the video signal that is saved in the shared memory).

As to claim 2, Fuller teaches the method, wherein the first end system is the same as the second end system. (see col.2 lines 53 – 62 and fig.1, fuller teaches the downloading from a web server to a client computer that has a browser).

As to claim 3, Fuller teaches the method wherein the step of configuring the service is performed by sending a service request message from the first entity to the gateway system (see col. 8, lines 43 – 52, Fuller teaches a request initiated to the web –server by the client).

As to claim 4, Fuller teaches the method, wherein the service request message comprises information about a type of service required. (see col. 8 lines 43 – 55 , Fuller teaches a request is either a video data, audio or java applet).

As to claim 5, Fuller teaches the method, wherein the service request message includes information about the address to which the stream should be sent. (see col.2 line 63 – col. 3 line 9 , Fuller teaches in response to notification, the real time audio data is sent to a location where it is stored).

As to claim 6, Fuller teaches the method, wherein the step of configuring the service is performed by sending a response message to the service request, from the

gateway system to the first entity. (see col. 7 lines 18 – 25 Fuller teaches the gateway is used as a bus to communicate among devices and used for streaming data).

As to claim 7, Fuller teaches the method, wherein the response message includes address information of the inlet to the gateway (see col.8 lines 42 – 54, Fuller teaches the universal resource indicator indicating particular streaming information to be served).

As to claim 8, Fuller teaches the method, wherein the step of activating the service is performed by sending a service activation request message from the first entity to the gateway system (see col.7, lines 18 – 41 Fuller teaches communication between devices using gateway or other router means).

As to claim 9, Fuller teaches the method, wherein the step of configuration and the step of activation is carried in the same request message. (see col. 8, lines 55 – 65, Fuller teaches a request is made and the server activates the streaming of data).

As to claim 10, Fuller teaches a computer program product directly loadable into the internal memory of a digital computer within an end system or terminal, gateway or gateway system in a multimedia communication system, comprising the software code portions when said product is run on a computer. (see col. 2 lines 63 – col.3 line 11, Fuller teaches a program loaded or stored in an internal memory).

As to claim 11, Fuller teaches a computer program product stored on a computer usable medium, comprising readable program for causing a computer, within an end system or terminal, gateway or gateway system in a multimedia communication system,

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to control an execution (see col.8 lines 11-16, Fuller teaches computer program can be stored on computer usable media).

As to claim 12, Fuller teaches communications system for processing streaming media used in inter-personal communication services, including a first entity, a second entity and a service providing gateway system all being connected to an IP network within the communications system, characterised in that the gateway system is adapted to provide a service of streaming media processing, said service being independent of the end user application control, the first entity, the second entity and the gateway system , (see col.2 lines 53 – col.3 lines 26 and fig.1)

the gateway system has means for processing a streaming media, sent from the first entity via the IP network to the second entity, in such a way that the data is processed and forwarded to the first end system continuously without having received the complete media stream before starting the processing (see col.2 lines 53 – col.3 lines 26 and fig.1)

the gateway system comprises a gateway controller adapted to control the service by configuration and activation, said controller having a Uniform Resource Identifier (URI) which is known to any potential service user, including the first entity, such that the gateway system is available for control by any potential service user, through the gateway controller (see col. 8 lines 43 – 55). .

As to claim 13 Fuller teaches the communications system characterised by the first entity having means for configuring the service. (see col. 8, lines 43 – 52, Fuller teaches a request initiated to the web –server by the client).

As to claim 14, Fuller teaches the communications system characterised by the first entity having means for performing the configuration by sending a service request message to the gateway system (see col. 8, lines 43 – 52, Fuller teaches a request initiated to the web –server by the client).

As to claim 15 Fuller teaches the communications system characterised by the gateway system having means for sending a response message to the first entity (see col. 7 lines 18 – 25 Fuller teaches the gateway is used as a bus to communicate among devices an used for streaming data).

As to claim 16, Fuller teaches the communications system characterised by the first entity having means for activating the service. (see col.7, lines 18 – 41 Fuller teaches communication between devices using gateway or other router means).

As to claim 17, Fuller teaches the communications system characterised by the first entity having means for sending an activating request message to the gateway system. (see col.7, lines 18 – 41 Fuller teaches communication between devices using gateway or other router means).

As to claim 18, Fuller teaches the communications system characterised by the gateway system having means for processing the media stream. (see col.8 lines 42 – 54, Fuller teaches the universal resource indicator indicating particular streaming information to be served).

As to claim 19, Fuller teaches Gateway system connected to an IP network, the gateway system offering a service of processing a media stream sent between end

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systems connected to the IP network, the gateway system including a gateway having means for processing the media stream sent from a first end system via the IP network, the gateway system further including a gateway controller managing the gateway and having a Uniform Resource Identifier (URI) characterised in that the gateway system is known to any potential service user, including the first end system, via the URI of the gateway controller and the gateway system further has means for being configured by any of the potential service users. (see col.8 , lines 42 – 54; and fig.1, Fuller teaches the gateway system and the IP address as the internet and the URI as the data to be streamed).

As to claim 20, Fuller teaches Gateway system characterised by the gateway controller having means for performing the configuration by receiving a service request from the end system. (see col. 2 lines 63 – col. 3 lines 7, Fuller teaches the network gateway having the capability of servicing the request from the server).

As to claim 21, Fuller teaches Gateway system characterised by the gateway controller having means for performing the configuration by sending a response message to the end system. (see col.8 line 66 - col. 9 line 11, Fuller teaches means for streaming in response to a request.

As to claim 22, Fuller teaches Gateway system characterised by having means for activating the service. (see col.7, lines 18 – 41 Fuller teaches communication between devices using gateway or other router means).

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As to claim 23, Fuller teaches Gateway system characterised by the gateway controller having means for performing the activation of the service by receiving a service activation request from the end system. (see col. 2 , line 63 - col. 3 line 9 the network gateway having the capability of servicing the request from the server).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (703) 305-4651. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308- 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
Patent Examiner/Art Unit 2157


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